

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

SEBASTIAN WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civ. No. 16-3646 (FLW)

**MEMORANDUM AND ORDER**

Petitioner, Sebastian Williams (“Petitioner”), commenced this proceeding by way of counsel by filing with the Court a motion to vacate, set aside, or correct a sentenced under 28 U.S.C. § 2255. (ECF No. 1.) Following a jury trial before this Court, Petitioner was convicted, on March 24, 2003, of two counts of conspiracy to commit Hobbs Act robbery, under 18 U.S.C. § 1951, and one count of carrying a firearm in connection with a crime of violence, under 18 U.S.C. § 924(c). Petitioner now argues that, as the Supreme Court, in *Johnson v. United States*, 135 S. Ct. 2551 (2015), struck down as unconstitutionally vague the “residual clause” definition of “crime of violence” in the Armed Career Criminal Act (“ACCA”), the identical clause in the § 924(c) must also be deemed unconstitutional, and his conviction under that section must be vacated.

Petitioner filed his present § 2255 motion on June 22, 2016, but noted that it is a second or successive motion, the filing of which requires leave from the appropriate United States Court of Appeals. *See* 28 U.S.C. §§ 2244, 2255(h). He explained that he filed an Application for Leave to File a Second or Successive Petition with the Third Circuit on May 10, 2016, but that the Circuit immediately stayed that application. (ECF No. 1 at 6.) Petitioner accordingly

requested that this Court hold his § 2255 motion in abeyance pending a decision by the Third Circuit on his application to file a second or successive petition.<sup>1</sup> (*Id.*)

The Court has received no further communication from the parties. A review of the docket of Petitioner's pending application to file a second or successive petition indicates that the Third Circuit has not yet ruled on that application. Accordingly, for docket-management purposes, this proceeding is administratively terminated until the parties notify the Court that the Third Circuit has ruled on Petitioner's application for the required leave to file his second § 2255 motion. Counsel shall notify the Court within 30 days of any decision by the Circuit.

Therefore, IT IS, on this 22nd day of March 2019,

ORDERED that the Clerk shall ADMINISTRATIVELY TERMINATE this proceeding for docket-management purposes; and it is further

ORDERED that counsel shall notify the Court within 30 days of any final decision by the United States Court of Appeals for the Third Circuit regarding Petitioner's pending Application for Leave to File a Second or Successive Petition, and this proceeding shall be reopened upon receipt of such notice.

/s/ Freda L. Wolfson  
FREDA L. WOLFSON  
United States District Judge

---

<sup>1</sup> The Court additionally notes that, the day after Petitioner filed his § 2255 motion, then-Chief Judge Jerome B. Simandle issued Standing Order 16-2, which stayed all cases filed under *Johnson* and created extended briefing schedules for those matters. *In re Motions Seeking Collateral Relief on the Basis of Johnson v. United States*, Misc. No. 16-11 (JBS), ECF No. 2.